

his wife, Ruth Calale Elleman, all the best as they enjoy the time they have earned.

On a personal note, I want to say I look forward to seeing the Ellemans very soon and often in years to come.

#### DEEPWATER PORT MODERNIZATION ACT

HON. JAMES A. HAYES

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1996

Mr. HAYES. Mr. Speaker, I am proud to rise today with my Louisiana colleagues, both Democrats and Republicans, to introduce the Deepwater Port Modernization Act—legislation to amend the Deepwater Port Act of 1974. Our efforts go to the heart of the battles this year in Congress to change the anticompetitive, overregulatory approaches of the past and streamline and focus Government's role overseeing American businesses.

Clearly, when this legislation originally passed Congress over two decades ago, the oil industry faced markedly different challenges than the industry encounters today. There was much concern that the efficiency and environmental advantages offered by deepwater ports would so eclipse the market that they would monopolize the bulk of oil transportation to shore.

To the contrary, in the 22 years since this legislation passed Congress, there is only one licensed deepwater port, the Louisiana Off-shore Oil Port or LOOP. Unfortunately, despite Congress' original miscalculation on the ability of deepwater ports to control the market, the burdensome environmental regulations of the seventies remain in place.

First of all, our legislation would promote the efficient transportation of crude oil from the outer continental shelf [OCS] of the Gulf of Mexico, which is currently not listed as one of the priorities of the act. New technologies have resulted and will continue to undoubtedly result in increased production of OCS oil. Without a more cost effective and environmentally sound means of getting the oil to market, expanding production of our domestic resources in the gulf will occur more slowly to the detriment of the consumer. Deepwater ports will allow us to utilize the increased OCS production and capitalize on the estimated 15 billion barrels untapped in the deepwater of the gulf.

Second, our bill would repeal the antitrust provisions of the 1974 act and clarify the intent of the 1984 amendments in order that deepwater ports may better respond to market conditions to set rates, terms, and conditions. Deepwater ports are highly regulated due to the aforementioned belief that monopolies would form. But, nothing could be farther from the truth. Deepwater ports have many strong competitors that can constantly and instantly adjust their own rates. Our bill will level the playing field to encourage competition by providing deepwater ports such as LOOP with the same rate structure as their competitors.

Additionally, our legislation would simplify the regulatory framework under which deepwater ports function. The bill replaces the three-tiered system of requirements on deepwater ports—overlapping Federal regulations, licensure provisions, and operations manual—

with the requirement that a port comply with the published guidelines of the Secretary of Transportation for a facilities operations manual. Furthermore, a licensee's operations manual, and proposed changes to the manual, shall be approved and reviewed by the Coast Guard.

LOOP currently pumps approximately \$32.7 million in direct and indirect revenues in Louisiana's economy, not to mention additional impacts from other economic multipliers and benefits from a more environmentally safe transportation system. Because LOOP is only operating at about 63 percent of capacity, there is clearly room for expansion and for construction of more such deepwater facilities.

We, accordingly, must correct the provisions within the current law which are stifling market usage of deepwater ports and burying with archaic government regulations what would be another efficient transportation source. Mr. Speaker, my Louisiana colleagues in the House and the Senate join me in requesting that Congress take action to clarify the intent of the 1974 act to promote the usage of deepwater ports by eliminating duplicate and unnecessary licensure and other requirements. It is clear that, while the market has changed, the conclusion of the seventies that deepwater ports can bring substantial financial and environmental savings to oil transportation remains true. We must act responsibly this year to ensure that deepwater ports are allowed to operate in the future in a way to maximize competition and minimize unnecessary regulatory barriers which prevent efficient, environmentally protective commerce in this country.

#### FIGHTING PORNOGRAPHY ON THE INTERNET

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1996

Mr. DORNAN. Mr. Speaker, we are discussing the telecommunication bill which is a large and complicated piece of legislation. Buried within this complex labyrinth of highly technical legislation is an important provision that attempts to control child pornography on the Internet. This provision gives us false security to believe that we are dealing with this heinous crime. However, the reality is that the provision does not have the power to eradicate computer pornography. Mark my words: We will have to come back to this issue 6 or 7 months from now trying to fix the deficiencies in this provision. Read about the German experience and laws.

Mr. Speaker, I highly recommend to my colleagues the following article by Patrick Trueman, one of America's foremost legal experts in the area of child protection and the former Director of the Child Exploitation and Obscenity Office in the U.S. Department of Justice.

PORN ON THE INTERNET, HERE AND ABROAD

(By Patrick A. Trueman)

Compuserve, one of the nation's top Internet access providers, temporarily blocked more than 200 sexually explicit sites recently because a German prosecutor thought the provision of such material by the company to German citizens violated that country's law. Compuserve may have

reason to fear German law but seems safe in providing pornography to American citizens, even children. That is because Congress is contemplating passage of a telecommunications bill which will protect Compuserve and all Internet access providers from criminal liability for the provision of similar material to anyone, including children.

Yes, the bill in question contains specific protective language for those access providers who make millions distributing pornography, even hard-core pornography, to children and others. Sen. James Exon, Democrat Nebraska, and Rep. Rick White, Washington Republican, are responsible for this political favor. They are the principle authors of the Communications Decency Act, which they have characterized as a measure to control computer pornography.

Computer pornography should be eradicated, not controlled. Senator Exon originally proposed a bill that was a simple, straightforward prohibition. His top staffer on the bill frankly admitted to me that he caved in to demands of access providers under heavy lobbying pressure by them and thousands of Internet users. The interests of Rep. White are patently obvious. In his Washington state district is the headquarters of major Internet access provider, Microsoft.

Last year when the telecommunications bill was in committee, the American Family Association fought hard against special protections for access providers. So too did such notables with a high profile in the fight against pornography as former Attorney General Edwin Meese III and Rep. Henry Hyde, chairman of the U.S. House Judiciary Committee.

Why is Congress so willing to protect those who distribute and profit from computer pornography? Because one major pro-family group and a few smaller ones urged it to. Access providers and the so-called "free speech" lobby fought for the protections, but they couldn't have gotten such major concessions from the family-friendly 104th Congress without the cover certain pro-family groups gave them.

Pro-family champion Mr. Hyde offered a much tougher, no-exceptions computer pornography provision in committee as an alternative to Exon-White. He was defeated, however, by Mr. White—who liberally touted the support of the few pro-family groups who supported the position of the access providers.

Soon Congress will vote on the final version of the telecommunications bill, which contains this soft-on-pornography language. The effect on the Internet is predictable—computer pornography will continue to flow freely.

Under the Hyde provision anyone would have been liable, including access providers, for knowingly and intentionally distribution or making available pornography to children or obscene pornography to anyone. The argument in favor of the Hyde provision—that by providing no exceptions in the law, access providers will voluntarily restrict access to pornography—was made crystal clear by Compuserve's response to the German prosecutor.

That is the exact response that could be expected from all U.S. Internet access providers by passage of the Hyde language. It is an inexplicable irony that due only to the efforts of some pro-family groups, Compuserve and other access providers may have to block pornography to German children, but are free to provide it to the children of America.

Why did pro-family groups go to bat for access providers? I still wonder. The arguments of their representatives shifted throughout the months-long debate during consideration

of the various computer pornography provisions in Congress. The lawyer for one argued that it is unconstitutional to hold access providers liable because they have no ability to block pornographic Internet sites. Her "constitutional argument" is undermined by Compuserve's response to the German prosecutor. She also contended that the Internet is a "wonderful resource" and we shouldn't go "too far" in regulating it.

Wow. Since when did Internet protection become a pro-family priority? Another prominent argument was that any computer pornography measure should be modeled after the federal dial-a-porn law with access providers treated like the phone companies are in that law. There is no more ineffective criminal law than the federal dial-a-porn law. It is hardly an appropriate model. Dial-a-porn is a thriving business in America precisely because this law has almost zero deterrent effect.

There have been no prosecutions under it since it was revised in the late 1980s to give phone companies almost blanket exemption from prosecution for what otherwise would be a crime of conspiracy when they knowingly provide service to and profit from dial-a-porn companies. The reason for this exemption was that phone companies are heavily regulated common carriers. Access providers are not common carriers and after this bill won't be regulated at all.

Congress, in the telecommunications bill to which Exon-White is appended, will impose on them all the benefits of a common carrier but none of the burdens. If Congress wants an appropriate computer pornography model, it should mirror the federal child pornography law which, like the Hyde proposal, does not exempt access providers. That is undoubtedly a major reason why one access provider, America OnLine, so willingly cooperated with the Justice Department in a recent computer child pornography sting operation.

As Compuserve has demonstrated, the best carrot and stick approach is a tough law. Only when Compuserve understood it was the liable under German law for the distribution of pornography did it block pornographic site. The company has indicated that it regretted the blockage of pornographic sites to its customers in this country and quickly ended the blockage.

Finally, some pro-family advocates argued that any law is better than what we have now. That arguments assumes that current federal obscenity laws do not allow prosecution of those who traffic in such material by computer. There is no court that has ever taken this position and, indeed, the Justice Department has successfully used current law to prosecute a computer pornography crime. Thus, it only makes sense to enact a new computer pornography law if it improves the ability of the Justice Department to prosecute for computer pornography crimes.

The Justice Department has told Congress in three letters that any law that exempts access providers from liability undermines its ability to prosecute those who traffic in computer pornography. Exon-White, then, is a retreat in the war against pornography.

Sure, Exon-White will allow the Justice Department to prosecute the individuals who put obscene pornography on the Internet or provide pornography via the Internet to children. But how many of the thousands of individuals in this country who are potential prosecution targets will really be deterred by Exon-White? The Justice Department can only do a relatively few prosecutions a year for such violations? Not long ago it announced it was dropping or postponing a great number of investigations targeting those who distribute child pornography by computer for lack of investigative resources.

Certainly child pornography will be given the highest priority by the department, leaving few resources to enforce Exon-White against violators in this country. And what about the tens of thousands of individuals in other countries who fill the Internet with pornography? Since our government has no jurisdiction to prosecute them, there is no reason to believe they will change their behavior.

There is also no reason to believe that any pornographic Internet sites will disappear. Exon-White guarantees they will remain since access providers who make those sites available will be free under Exon-White to provide them.

The simple solution to eliminating or substantially reducing those sites was Henry Hyde's bill. If access providers are liable for making pornography available, they will clean up the Internet. The Hyde proposal would have allowed access providers to make indecent but not obscene pornography available to adults so long as they took measures to assure that the material was not available to children. This provision is made necessary by a line of court cases indicating that adults have a constitutional right to indecent material. It could have been accomplished by providing access codes or pin numbers to adult customers like banks do for ATM card customers.

Under Hyde, access providers would not be held liable for all illegal pornography on the Internet which their services may be used to obtain. Nor would it require that they check all communications to ensure that no violations of the law are occurring. They would simply be required to avoid knowing violations of the law.

This is an obligation imposed on all citizens, and Congress is foolish to exempt Compuserve and others like it from such a responsibility, especially since those most likely to be harmed will be children who, with a few clicks of a computer mouse, can enter that grand international pornographic swap meet that the Internet will be for them, courtesy of the access provider companies.

Federal criminal law has traditionally assigned equal liability both for those who commit a crime and those who aid and abet a crime. Thus any notion that access providers aren't directly responsible for the provision of pornography on the Internet should be legally irrelevant because without their willing facilitation there would be no Internet pornography.

Exon-White won't make the issue disappear from Congress. The access providers and those who enjoy the easy availability of pornography on the Internet have won round one. Soon, however, that segment of decent American society that began the clamor for a solution to the disease of computer pornography will realize that Exon-White is little more than the placebo it was designed to be and they will demand that Congress provide a serious response.

#### NATIONAL PRAYER BREAKFAST REMARKS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1996

Mr. LANTOS. Mr. Speaker, it is a great pleasure for me to introduce into the CONGRESSIONAL RECORD the following speech given by my friend and colleague, Congressman PETE GEREN, at the National Prayer Breakfast this morning. As a member of the

National Prayer Breakfast Committee, Congressman GEREN clearly emulates the values represented by the National Prayer Breakfast. I urge my colleagues to read PETE GEREN's address with the thoughtfulness and sincerity with which it was delivered.

#### NATIONAL PRAYER BREAKFAST

Mr. President, Mrs. Clinton, Mr. Vice President, Mrs. Gore, distinguished guests one and all, I bring you greetings from the Prayer Breakfast of the U.S. House of Representatives. My charge today is to tell you about our prayer breakfast, with the hope and prayer that perhaps you can build on our experience in your nation, your state, your neighborhood or place of work.

In the book of Matthew, Jesus told us: "Where two or three are gathered together in my name, there am I in the midst of them."

Today those gathered in His name number in the thousands, and we thank Him for his presence.

Every Thursday morning that the House is in session, we gather, 40-50 members strong, in His name. Our gathering is extraordinary by Capitol Hill standards, for so many reasons, and truly a blessing to those who have made it a part of their lives.

Extraordinary by Capitol Hill standards: In a super-charged environment where most all meetings are restricted by party membership, even more narrowly, by philosophical subsets within a party, by race, by religion, by region or by cause, our meetings are inter-faith, ecumenical, multi-racial, non-partisan and as diverse as this great land of ours.

The Irish brogue of South Boston, the syrupy drawl of South Georgia, the sharp and clipped tongue of Brooklyn, the twang of Texas and the flat tones of Minnesota fill the room every week.

There are no guests, not even family members, no cameras, no press, no record of the proceedings. It is as private as Capitol Hill can be and members share their hearts.

I said no guests, well there is one exception: Legislators or parliamentarians from around the world join us to learn about our breakfast, and, on occasion, return years later to tell us of the leadership groups they have started in their land.

Today, prayer breakfasts are held in over 100 countries, in countries as far-flung as India, Peru, and Japan. So in a way, then we engage in outreach to the world, but that is not our main purpose.

Our focus is internal, on the lives, hearts and souls of our colleagues. It is fellowship, an eye in the storm of the swirling world of politics.

There is a saying that "If you want a friend in Washington, buy a dog". Our breakfast belies that expression.

Breakfast begins at 8 am and it is the only \$3.00 breakfast left in Washington. I am sure it somehow violates the gift ban.

We visit informally for most of the first half hour. When we are called to order we begin our day's program with a scripture reading.

Our very own General, Congressman Sonny Montgomery, then brings us up to date on the lives, and too often of late, the deaths of House members, past and present. He shares with us celebrations such as recent births and the trials and tribulations of others.

We then lift up our colleagues and their families in prayer, with rejoicing prayers of thanksgiving, prayers for healing, for comfort and for the blessing of our nation and our leaders.

We follow the prayer with a hymn, long on enthusiasm, but short on harmony. Congressman Jake Pickle of Texas used to regale us with the history of each hymn, or at